Sri T. SUBRAMANYA.—With due diference to your suggestion, we have got the whole matter examined. We have no other alternative. Nothing else will satisfy the requirements of law except placing on the statute book a legislation of this kind. Therefore we have come before the House.

I hope that with these explanations my Hon'ble friends will be satisfied and they will accept the Bill with a cheer on their face.

Mr. SPEAKER.—The question is:

"That the Ponnampet Notified Area Committee (Continuance and Validation) Bill, 1959, be taken into consideration".

The motion was adopted.

Mr. SPEAKER.—As there are no amendments I will put all the clauses to the House.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—The question is:

"That Clause 1, short Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1 and the Preamble were added to the Bill.

" Motion to pass "

Sri. T. SUBRAMANYA.— I move:

That the Ponnampet Notified Area Committe (Continuance and Validation) Bill, 1959, as passed by Legislative Council be passed."

Mr. SPEAKER.—The question is;

"That the Ponnampet Notified Area Committee (Continuance Validation)Bill, 1959, as passed by Legislative Council, be passed."

The motion was adopted.

Mr. SPEAKER.—The House will now rise for recess and meet after half-an-hour.

The House adjourned for recess at Five Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.

[*Mr.* DEPUTY SPEAKER in the Chair]

Mysore Habitual offenders Bill, 1959, as passed by Legislative Council.

Motion to consider.

Sri. B. BASAVALINGAPPA (Deputy Minister for Home).—Sir, I beg to move :

"That the Mysore Habitual offenders Bill, 1959 as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved.

"That the Mysore Habitual offenders Bill, 1959, as passed by the Legislative Council, be taken into consideration."

†ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ.—ಸ್ವಾಮಿ, ರೂಢ ಅಪರಾಧಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಈ ವಿಧೇಯಕವು ಈ ಸಭೆಯಲ್ಲಿ ಹಿಂದೆ ಪಾಸ್ ಆಗಿದೆ. ಇದು ಸಾಮಾನ್ಯವಾಗಿರತಕ್ಕ ವಿಧೇಯಕ ವೆಂದು ನನ್ನ ಭಾವನೆ. ಏಕೆಂದರೆ ಹಿಂದೂಸ್ಥಾನ ಸರ್ಕಾರದವರು 1957ನೇ ಇಸವಿಯಲ್ಲಿ ಒಂದು ಮಾದರೀ ವಿಧೇಯಕವನ್ನು ಇಲ್ಲಿಗೆ ಕಳುಹಿಸಿದರು. ಅವರು ಎಲ್ಲಾ ಸಂಸ್ಥಾನಗಳಲ್ಲೂ ಕೂಡ ಒಂದೇತರಹವಾದ ವಿಧೇಯಕ ಬರಬೇಕು, ಯಾವ ಸಂಸ್ಥಾನವಲ್ಲೂ ಕೂಡ ಯಾವ ವ್ಯತ್ಯಾಸವಿಲ್ಲದೆ ಇಂತಹ ಒಂದು ಕಾನೂನು ಆಗಬೇಕು ಎಂದು ಉದ್ದೇಶ ಪಟ್ಟುಕೊಂಡು ಈ ಒಂದು ವಿಧೇಯಕವನ್ನು ಈ ಮಾನ್ಯ ಸಭೆಯ ಮುಂದೆ ಇಡರಾಯಿತು. ಅದರಲ್ಲಿ ನಾವುಗಳು ಯಾವ ವ್ಯತ್ಯಾಸವನ್ನೂ ಕೂಡ ಮಾಡಲಿಲ್ಲ. ಅದು ಇಂಡಿಯಾ ಸರ್ಕಾರದಿಂದ ಹೇಗೆ ಬಂದಿದೆಯೋ ಅದೇ ರೀತಿಯಲ್ಲಿ ನಾವು ಈ ಸಭೆಯ ಮುಂದಿಟ್ಟಿದ್ದೇವೆ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮುಲ್ಲಾನಾಧ್ಯ.—ಮಿಕ್ಕಕಾಮಿಕ್ಕ.

Sri C. M. ARUMUGHAM.—If the Government of Mysore Copies the Central Bill as it is, it does no Credit to this state. It speaks ill of the Law Department which appears to be sleeping over it. Our friend Sri Subramanyam, who has lost the Law portfolio, knows about it.

ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ.—ಈ ಒಂದು ವಿಧೇಯಕ ರೂಢ ಅಪರಾಧಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಿರತಕ್ಕಂಥಾದ್ದು. ಯಾವ ಸಮಾಜದಲ್ಲಿ ಕ್ಷೇಮವಾಗಿ ಜೀವನ ಮಾಡುವುದಕ್ಕೆ ಮತ್ತು ತಮ್ಮ ಆಸ್ತಿಪಾಸ್ತಿಗಳನ್ನು ಕ್ಷೇಮವಾಗಿ, ಸುರಕ್ಷಿತವಾಗಿ ಇಟ್ಟುಕೊಂಡು ಜೀವನ ಮಾಡುವುದಕ್ಕೆ ಅಡ್ಡಿಮಾಡಿ ಕಳ್ಳತನ, ಅತಂಕಗಳನ್ನು ತರುವ ರೀತಿಯಲ್ಲಿ ವರ್ತಿಸುತ್ತಾರೋ ಅಂತಹ ಜನಗಳನ್ನು ಒಂದು ಹುಬ್ಬುಬಸ್ತಿನಲ್ಲಿಟ್ಟುಕೊಂಡು ಅವರಿಗೆ ಸರಿಯಾದ ತರಬೇತು ಕೊಟ್ಟು ಸರಿಯಾಗಿ ಅವರು ನೆಲಸತಕ್ಕ ಸ್ಥಳಗಳನ್ನು ಏರ್ಪಾಡು ಮಾಡಿಕೊಟ್ಟು ಪುನಃ ಅವರನ್ನು ಒಳ್ಳೆಯ ನಾಗರಿಕರನ್ನಾಗಿ ಮಾಡತಕ್ಕ ವಿಧೇಯಕ ಈ ಸಭೆಯ ಮುಂದಿದೆ. ರೂಢ ಅಪರಾಧಿಗಳು ಯಾರು ಎನ್ನತಕ್ಕದ್ದನ್ನು ಈ ವಿಧೇಯಕದ ಎರಡನೇ ಕಾಲಂನಲ್ಲಿ ನಾವು ಹೇಳಿದ್ದೇವೆ. ಅದರಲ್ಲಿ ರೂಢ ಅಪರಾಧಿಗಳು ಎಂದರೆ ಯಾರು ಎಂಬುದನ್ನೂ ಸಹ ತಿಳಿಸಿದ್ದೇವೆ. ಮೂರನೇ ಕಾಲಂನಲ್ಲಿ ಸರ್ಕಾರದವರ ನೋಟಿಫಿಕೇಷನ್ ಪ್ರಕಾರ ಡಿಸ್ಟ್ರಿಕ್ಟ್‌ನಲ್ಲಿರತಕ್ಕ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಅವರು ರೂಢ ಅಪರಾಧಿಗಳ ರಿಜಿಸ್ಟರ್‌ಗಳನ್ನು ತಯಾರು ಮಾಡತಕ್ಕದ್ದಾಗಿದೆ. ಅಂತಹ ಒಂದು ಪಟ್ಟಿಯನ್ನು ಅವರು ತಯಾರು ಮಾಡಬೇಕಾಗಿದೆ. ಇನ್ನು ಕಲಂ ಒಂಬತ್ತನೇ ಪ್ರಕಾರ ಇಂತಹ ಒಂದು ಪಟ್ಟಿ ಎದು ವರ್ಷಗಳೊಳಗೆ ಇರತಕ್ಕದ್ದು, ಏನಾದರೂ ಮುಂದೆ ಈ ಅಪರಾಧಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ಅವರು ಸೇರಲಿಕ್ಕೆ ಅರ್ಹತೆ ಇಲ್ಲವೆಂದು ಹೇಳಲಿಕ್ಕೆ ಯಾವುದಾದರೂ ಕಾರಣ ಇರಬೇಕೆಂದು ಡಿಸ್ಟ್ರಿಕ್ಟ್

(ಶ್ರೀ ಬಿ. ಬಸವಲಿಂಗಪ್ಪ)

ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಮತ್ತು ಸರ್ಕಾರ ಒಂದು ವಿಧವಾದ ಅಂಶವನ್ನು ಈ ವಿಧೇಯಕದಲ್ಲಿ ಅಳವಡಿಸಿ ಕೋರಿಸಿದ್ದಾರೆ. ಆ ಪ್ರಕಾರ ಅವರ ಮುಂದೆ ರುಜುವಾತು ಕೊಟ್ಟು ಆ ಪಟ್ಟಿಯಿಂದ ರೂಢ ಅಪರಾಧಿಗಳು ಹೊರಗೆ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟಿದೆ. ಯಾರು ಯಾರು ಅಪರಾಧಿಗಳು 18 ವರ್ಷಗಳ ನಂತರವೂ ಅಪರಾಧ ಮಾಡಿದ್ದಾರೋ ಅಂತಹವರನ್ನು ನೇರವಾಗಿ ಜೈಲಿನಲ್ಲಿಟ್ಟು ಅವರ ಜೀವನವನ್ನು ಹಾಳುಮಾಡಬಾರದೆಂಬ ಉದ್ದೇಶ ಸರ್ಕಾರಕ್ಕಿದೆ. ಆದ್ದರಿಂದ ಅವರಿಗೆ ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ತರಬೇತು ಕೊಟ್ಟು, ಸರಿಯಾದ ಕನುಬುಗಳನ್ನು ಅವರಿಗೆ ಕಲಿಸಿ, ಒಳ್ಳೆಯ ನಾಗರಿಕ ಜೀವನವನ್ನು ಅವರು ಅವಲಂಬಿಸುವಂತೆ ಮಾಡುವುದೇ ಸರ್ಕಾರದ ಉದ್ದೇಶ. ಒಟ್ಟಿನಲ್ಲಿ ಅವರು ಎಲ್ಲಾ ಕಡೆಯೂ ಪುನಃ ಸಮಾಜದಲ್ಲಿ ಸೇರಿಕೊಂಡು ಅವರಿಗೆ ಒಳ್ಳೆಯ ನಾಗರೀಕತೆಯನ್ನುಂಟುಮಾಡಿ ಅವರನ್ನು ಅನಾಗರಿಕರನ್ನಾಗಿ ಮಾಡದೆ ಅವರು ಒಂದು ಸರಿಯಾದ ಸ್ಥಳದಲ್ಲಿರುವ ಹಾಗೆ ಅವಕಾಶ ಮಾಡಿಸಿಕೊಡತಕ್ಕದ್ದು ಮುಖ್ಯವಾಗಿದೆ. ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟ್ಸ್ ಅಂದರೆ ಸುಧಾರಿಸತಕ್ಕ ನೆಲಸುವ ಪ್ರದೇಶಗಳನ್ನು ಎಲ್ಲಾ ಕಡೆಗಳಲ್ಲೂ ಕೂಡ ಮಾಡಿ ಕೊಡಬೇಕೆಂಬುದೇ ಈ ವಿಧೇಯಕದ ಮುಖ್ಯೋದ್ದೇಶ. ನಮಗೆ ಈ ಪ್ರದೇಶಗಳನ್ನು ನಾನಾ ಭಾಗದಲ್ಲಿ ವ್ಯವಸ್ಥೆಗೊಳಿಸಬೆಕೆಂಬ ಉದ್ದೇಶವಿದ್ದರೂ ಕೂಡ ಈಗ ಬಿಜಾಪುರದಲ್ಲಿ ಒಂದು ಸುಧಾರಿಸತಕ್ಕ ನೆಲಸುವ ಪ್ರದೇಶವಿದೆ. ಸುಮಾರು 75–80 ಜನಗಳಿಗೆ ಅವಕಾಶವಿದ್ದರೂ ಕೂಡ ಅಲ್ಲಿ ಕೇವಲ 20–25 ಜನ ಮಾತ್ರ ಇದ್ದಾರೆ. ಅದು ಭರ್ತಿಯಾದ ನಂತರ ಬೇರೆ ಪ್ರದೇಶಗಳಿಗೆ ಇದನ್ನು ವಿಸ್ತರಿಸುವುದಕ್ಕೆ ಸರ್ಕಾರದ ಉದ್ದೇಶವಿದೆ. ಇಷ್ಟು ಹೇಳಿ ಈ ವಿಧೇಯಕವನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಇಡುತ್ತೇನೆ. ಈ ಬಗ್ಗೆ ಮಾನ್ಯ ಸದಸ್ಯರ ಅಬ್‌ಜಕ್ಷನ್ಸ್ ಏನಾದರೂ ಇದ್ದರೆ, ಈ ವಿಧೇಯಕ ಮೇಲೆ ಏನಾದರೂ ವಿರೋಧಾಭಿಪ್ರಾಯವನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರು ಎತ್ತಿದ್ದಾರೆ, ಅದಕ್ಕೆಲ್ಲಾ ಉತ್ತರವನ್ನು ನಾನು ಪುನಃ ರಿಪ್ಲೈ ಕೊಡುವ ಕಾಲದಲ್ಲಿ ಹೇಳುತ್ತೇನೆ.

Sri B. R. SUNTHANKAR.—On a point of information. I would like to know how many corrective settlements are there at present in the state and whether Government proposes to start any more corrective institutions and if so, at what places.

Sri B. BASAVALINGAPPA.—I have already made the point clear. We are having only one settlement at the Bijapur and it is not full. Only after it is fully utilised would we extend it to other areas.

Sri B. R. SUNTHANKAR.—On a point of order. The Bill that is placed before the House is not accompanied by a financial memorandum. Now from the information that has been given by the Honourable Deputy Minister, it seems that the corrective institution at Bijapur will have to be strengthened. When the present Bill becomes an Act and it is brought into force, Government will have to incur additional expenditure. This Bill does not give us any idea about the financial liabilities and responsibilities and the additional expenditure that Government will have to incur on that account. So it is necessary that a financial memorandum should accompany the Bill. When a financial memorandum is not furnished with the Bill, this Bill is not in order.

Sri B. BASAVALINGAPPA.—The Hon'ble Member is not correct, be cause there is no additional expenditure involved in this.

Sri J. B. MALLARADHYA.—In this session, while speaking on the Mysore Habitual Offenders Bill, the present Government seems to make it a point to be very short.

Sri C. M. ARUMUGHAM.—He raised a point of order. He said it is not correct. What is your ruling ?

Mr. DEPUTY SPEAKER.—That is the ruling; it is understood. There is no financial involvement here.

Sri J. B. MALLARADHYA.—I was saying that in this session Government want to be as short as possible, if not as sweet as one would expect If the Minister for L.S.G. was short, the Deputy Minister for Home was even shorter.

Sri T. SUBRAMANYA.—I am tall !

†Sri J. B. MALLARADHYA.—If the cap fits it, wear it. While reading this Bill–the Mysore Habitual Offenders Bill, I am tempted to say that here is an attempt made by the Government to introduce uniform legislation in the integrated areas and the erstwhile Mysore State; We are now in the fifth year after integration and the Bill which was drafted as far back as 1959, it is dated 6.9.60, is coming before this House now in the year of grace 1961. If a private member were to bring a Bill to deal with such habitual offenders like the Government who always persistently delay things, I do not know whether that would be accepted by the House. I eel that this is a habitual offender's type of bringing a Bill in a belated way before this House. That is the inference I draw from the way in which the Government delays in bringing important Bills. I do not think the Deputy Minister should have taken so much to introduce this Bill. He has given no explanation at all for taking steps in such a belated manner. As for the statement made by the Deputy Minister that this Bill is intended to be a kind of reformatory Bill in its character to reform regular habitual offenders, I do not know how this objective is going to be achieved by the Government by merely passing the Bill. While discussing the details of the Bill, I shall make a few observations in regard to the inadequacy of the scope of the Bill to achieve the objective they have in view, namely, to train these habitual offenders to be respectable citizens in a democracy and whatever provision that has been made is grossly inadequate to achieve that objective.

In regard to definitions, I must refer to the definition of a district magistrate that is given here. It means the Deputy Commissioner of a district. Instead of the words 'District Magistrate, why don't you say' additional District Magistrate'. I do not think in any district the district magistrate is a judicial officer. Let people know that it is the jurisdiction of the Additional District Magistrate. If the Minister agrees with me, it is Additional District Magistrate may be substituted here.

(Sri J. B. MALLARADHYA)

In regard to the definition of a habitual offender, the Deputy Minister gives in the schedule a list of offences under the Indian Penal Code, under the Suppression of Immoral Traffic in Women and Girls Act and offences under the prohibition Acts. Going through this long list, I was wondering why the Deputy Minister did not include section 302 of the I.P.C. He includes sec. 304, that is culpable Homicide not amounting to murder. Why not section 302.

Sri B. BASAVALINGAPPA.—They are sentenced to imprisonment for more than five years.

4-00 P.M.

Sri J. B. MALLARADHYA.— You say if the man has undergone imprisonment for the period, that should be excluded in computing the period of five years contemplated under this definition. I do not know why section 302 is not included. Why do you want to categorise a regular habitual offender under the Indian Penal Code along with those who come within the purview of the Suppression of Immoral Traffic in Women and Girls Act and the Prohibition Act. I think some kind of a distinction is indicated. I may not call them habitual offenders. Supposing a girl goes astray. You cannot persistently treat that poor girl as a habitual offender. I personally feel that some kind of treatment has to be given to them and you cannot class them in the same category and treat them. You know the existence of a number of rescue homes in some parts of the State. It is more or less a matter for the society to take care of such people. To bring the offences under the Suppression of Immoral Traffic in Women and Girls Act and to treat women as habitual offenders, I think it would be an offence to society itself. I am afraid that will be very drastic. So far as the Prohibition Act is concerned, even a person who occasionally makes a lapse and drinks comes within the purview of the Act. Under section 4 of the Prohibition Act even a person who in a fit of some kind of persuasion or under very special circumstances, takes drink in a dry area, comes within the puruiew of that Act. Supposing it is a party in which the man who has got a medical addict's licence takes part. So far as the Government is concerned, under this Act, a fellow who is a confirmed criminal is just as good or bad as a girl who goes astray once or twice and as a man who takes an occasional drink. Till prohibition is a complete success, I consider it is very necessary that you revise the definition of habitual offenders

I would like to know whether the Hon'ble Minister would be willing to exclude these two categories.

Then, you say, 'scheduled offence' means an offence specified in Schedule A or an offence analogous thereto. I want to know the offences visualised by the Government other than those mentioned in the schedule; are there equally heinous crimes and what are those you have

in view, I want to know. Why do you leave it in doubt. It is better that you mention these also. My objection to this is, the definition is too wide and it is better that they are specified so that the public may know whether they come under the purview of this Act and so that they may avoid committing such offences.

With regard to registration of offenders. I think, it is a very desirable step that Government wishes to take. But the point is, who is to maintain these registers You make the Deputy Commissioner for the intial step of getting the entries made and after that, you want to hand it over to the District Superintendent of Police. If any cancellation has to be made, he has to go to the District Magistrate. I am asking if it is necessary for this additional District Magistrate to be the person who should be in charge of this. I am saying this because, the moment you make the District Magistrate respons ble, he automatically hands it over to the policemen and they will make it a source of income. We must think of other sourecs, for instance the Revenue Officers and the Police Patel.

Then, with regard to clause 10 (2) you say that the State Government shall, after considering the representation and giving the aggrieved person an opportunity of being hard in the prescribed manner, if necessary either confirm or cancel the registration, re-registration or order, as the case may be, and shall in the case of confirmation, record a brief statement of the reasons therefor. Where is the necessity of this matter coming before the Government ? Should the registration of the ordinary criminal come to the Government level ? There is a Divisional Commissioner or there is the Judicial Officer. Please read clause 20 read with clause 10. Clause 20 deals with power to delegate. When you make provision for delegation, I do not see why the State Government should take the registration of the offender as such an important matter as to be dealt with at Government level. It is better that you delegate it to somebody else and a provision made in the Bill itself. After all, Government do not deal with this directly ; they depend on reports. So, I personally feel that some attention will have to be given to this aspect and see that this power is delegated to somebody else.

Once again, under clause 11 you have reserved the power to restrict movement of a registered offender.

> " If, in the opinion of the State Government, it is necessary or expendient in the interests of the general public so to do, the State Government may, by order, direct that any registered offender shall be restricted in his movement to such area (hereinafter called the restriction area)..."

Sir, in this particular matter, the person will be entirely at the mercy of the police and I personally feel that this order should be a judicial order. Under clauses 10 and 11, you must see that the District Judge deals with this matter and it is an appealable order. If the State Government does it, to whom do you expect him to go ? Do you expect

(Sri J. B. MALLARADHYA)

him to go to the High Court ? Kindly see that this does not become an executive order. In the matter of power of restriction of movement, once again I say that a provision should be made in the Bill for the right of appeal. Unless there is a right of appeal to the aggrieved party, there is no question of making it a final order. I want to know why this significant omission is made in framing the Bill. The Government has reserved for itself the power of prosecution, and power of punishing and the power of revision. No. The whole matter is a judicial matter and I do not know why the whole matter should not be handed over to the Distt ict Judge. This power should be taken away from the District Magistrate.

Coming to the aspect of corrective settlements, you say that there is only one settlement functioning in Bijapur and my information is that that settlement is not functioning as it ought to do I have heard that in most of the progress ve countries in the world, each corrective settlement has got a qualified doctor, a qualified psychologist and various other officers, an industrialist and so on. I wonder whether this settlement has got all that concomitents. The Government have not persuaded themselves as to give full compliment to that corrective settlement. No report is placed to find out whether that corrective settlement is functioning well at all. I am glad that the Deputy Minister says that Government will be willing to start more if there are people coming forward to undertake this.

ಮುದುವೆಯಾಗದೆ ಹುಚ್ಚು ಹೋಗುವದಿಲ್ಲ. ಹುಚ್ಚು ಹೋಗದೆ ಮುದುವೆಯಾಗುವದಿಲ್ಲ, ಅಪರಾಧಿಗಳು ಬರದೆ ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟು ಸುಧಾರಣೆಯಾಗುವಿಲ್ಲ. ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟು ಸುಧಾರಣೆಯಾಗದೆ ಅಪರಾಧಿಗಳು ಬರುವದಿಲ್ಲ ಎಂಬಂತೆ ಆಗಿದೆ ಇದಕ್ಕೆ ಏನುಗತಿ ? Sir, this Bill contemplates the establishment of corrective settlements by private agencies. I want to know the conditions under which Government is willing to surrender their privilege or right to start corrective settlements. Supposing a private individual or a set of people who are interested in social welfare would like to start corrective settlement ; we do not know the picture of it. So, unless you make that clear, merely a provision in the Bill will not help. I know there are rescue homes. There are one or two in Bangalore ; I do not know whether there are any in the integrated areas. The necessity for the rescue homes under the Suppression of Immoral Traffic Act need not be emphasised under this Act. I want the Deputy Minister to make it very clear under what conditions corrective settlement can be started by private individuals.

Under clause 14, Government wants to circumvent the decision of the court. Why not the officer who conducts the prosecution may make a representation to the court that instead of giving him imprisonment he may be sent to the corrective settlement. Why should there be

another order by the District Magistrate at the back of the judge, to send the offender to the corrective settlement? It is a judical order and where is the question of the District Magistrate coming in? The power of the Magistrate is over the sub-division Magistrate. The sub-divison Magistrate's order is appealable only to the district Magistrate. But, it is not this district Magistrate who deals with it.

It is not the District Magistrate who deals with it, but it is the regular Civil Magistrate who deals with it. My point is: here is a man who is hauled up before a Judge for a criminal offence, the judge gives a finding that he is guilty of an offence and he awards a punishment That punishment order becomes a judicial order. In respect of that punishment, the Prosecutor may make a representation to the Court saying that in respect of that order he may be sent to the settlement centre. Such being the case, where is the necessity for the District Magistrate to come into the picture and interfere with the judicial orders. You have in view the Deputy Commissioner who will be the District Magistrate.

Sri B. BASAVALINGAPPA.—The District Magistrate who excercises his powers under this section, will direct the persons to receive training. The judicial Magistrate does not come into the picture at all.

Sri J. B. MALLARADHYA.—Here is a judicial order passed by a court. If you want to interfere with that order, you have to think of other judicial officer in an appeiate capacity. Please examine that aspect.

Sri B. BASAVALINGAPPA.—The District Magistrate is the Deputy Commissioner here who is empowered under the Criminal Procedure Code to try offences. That man acts as a judicial Magistrate while trying these cases and he is now empowered to direct persons to receive this training.

Sri J. B. MALLARADHYA.—I am afraid, the Hon'ble Minister has not understood me. It is all right in respect of section (*b*) of sub-section (2). (2) (*b*) is all right here. But the first refers to the other cases punishable with imprisonment. If it is merely security proceedings, what you say is correct, but you are bringing under sub-section (2) of section 14 other cases which are covered by the Indian Penal Code. Interference with a judicial order by one who has not applied his mind in a judicial capacity is throoughly wrong in law. That is the point which I wish to make. Supposing 'X' is convicted and is given six months imprisonment. He may make an application to the court that in respect of this order, please send me to the settlement. Ordinarily the District Magistrate cannot take cognisance of this offence. This aspect may be got examined by the Legal Department.

> "(*e*) habitual offender" means a person who, during any continuous period of five years, whether before are partly after the commencement of this Act, or partly before and partly after such commencement, has been sentenced on conviction on

(Sri J. B. MALLARADHYA)

not less than three occasions, since he attained the age of eighteen years, to a substantive term of imprisonment, for any one or more of the scheduled offences, committed on different occasions and not so connected together as to form part of the same transaction, such sentence not having been reversed in appeal or on revision."

What I say is, all these offences which are contemplated in the definition are those which are punishable with imprisonment or fine or both, and so they are triable by a judicial Magistrate. And when once a judicial magistrate gives a finding and the judgement is pronounced and if you want to interfere with that order, you can do so only in the appellate capacity and not an administrative side.

As regards sub-clause (4) of clause 14 "a habitual offender in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training and while in such settlement, shall be treated in such manner as may be prescribed." I want to know what is the intention of the Government and what exactly is the treatment that is intended to be given to him. I want to know whether any rules have been framed under the Mysore Restriction of Habitual Offenders Act (Mysore Act 23 of 1952). Will you kindly enlighten the House whether any rules have been framed so far and if so, any provision has been made in regard to the treatment of habitual offenders sent to the Corrective Settlements. My apprehension is justifiable in saying that you have not yet made rules.

Sri B. BASAVALINGAPPA —There are certain rules under different Acts which are working in different areas.

Sri J. B. MALLARADHYA.—So far as Bijapur District Corrective Settlement is concerned, it is all right. But I want to know whether any rules have been framed to be made applicable to other areas in the State.

In regard to proviso to section 16, I am rather doubtful about this particular proviso.

The proviso reads thus :

"Provided that if the Court after taking into consideration the offender's age and physical and mental condition as to the suitability for receiving training of a corrective character in a corrective settlement, is satisfied that it is expedient for his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial time, the Court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause, that he shall receive corrective training in a corrective settlement for such term not being less than two years not more than three years, as it may determine."

I ask whether this is an appealable order because you do not seem to treat this order as an order of punishment. I would be satisfied if there is provision for appeal against it.

Coming to section 17, here is a case where a man can "be arrested without warrant by a police officer, police patel or a member of the village police and taken before a magistrate who, on proof of the facts, may order him to be removed to a corrective settlement..." Before a person can be arrested for this offence, you must treat this as a cognizable offence. Is, escaping from a corrective settlement a cognizable offence? How can you arrest a man without a warrant in this case?

Then you do not even mention the rank of the police officer. Is he an officer not below the rank of a Sub-Inspector or any police officer or constable or jamadar or a police patel? Is police patel in existence now ?Then you also say "a member of the village police". What does it mean? I do not know who formed the police force of the village and what it consists of. This section requires to be seriously looked into. My friend here says that this is a "maki ka maki" copy of the Bombay Act. Merely because the thing trickles down from Bombay to Mysore I do not think it can be taken without criticism. Unless the person is arrested with some kind of warrant from the court. I think this provision is bad. How does a number of the village police know that a particular person,s restricted area is so and so and he has escaped? If he is a police officer he gets information about the identification mark of the person. Do you mean to say that every police carries with him the identification marks of these persons and accordingly arrest them? This is a very bad provision to treat the members of society in this fashion merely because they happen to be defined by you as habitual offenders. The moment a person has undergone the full term of imprisonment or fire the pain he ceases to be an offender and he is an ordinary citizen like you or me. The Hon'ble Deputy Minister began by saying that this is a Bill of a reformatory character and that he wants to reform these persons to become useful citizens of society, but this is the way you treat them throughout the Bill. I do not think that this can be termed a social legislation, this is more a criminal Bill. Coming from habitual offenders you are acting habitually against quick despatch of work.

Coming to Chapter V, section 18 will have to be deleted. It says: "No court shall question the validity of any direction or order issued under this Act., "Why is this omnibus provision made? If it is an illigal order on the executive side, do you mean to say that the High Conrt cannot take cognizance of it? Then why say, "no court shall take cognizance of it". Do you mean to say that the High Court cannot take cognizance of an order passed by a District Magistrate in his executive capacity? I think this section is meanginless.

Then I want Government to reconsider section 20 in regard to powers of delegation. It is better that you make a statutory provision in the Bill itself as to which are the sections which come within the purview of a special officer to whom you want to give powers. Sometimes you may think of passing the order yourselves. If you want to

(Sri J. B. MALLARADHYA)

make provision for delegation, you may as well do it now in the Bill so that everybody may know who is the person who is competent to do it If you want, you may keep the appellate power to yourselves. But as it stands you are at every stage trying to make the Bill completely ineffective and it will exist only in name and the Minister will have the satisfaction of having piloted the Bill and placing it on the statute book and nothing else.

In regard to the rule making power under section 21, I want to know whether under the 1952 Act there are any rules at all. What is the fate of it? Is it being applied in any part of the State, particularly in Bijapur.

Then you have provided for non-official visitors for corrective settlements. Are they going to be as incompetent and ineffective as the Board of Visitors for Hospitals? Unless you make these visitors exercise some powers, what is the use of this provision? They will remain as ornamental figure heads. If you appoint gentleman and ladies, they will go there well dressed and just go round and not one suggestion of theirs will have been carried out. Meeting after Meeting may take place and they will never know what happened to the suggestio s made at a previous meeting.

Sri B. BASAVALINGAPPA.—I entirely agree with the suggestion made by my friend. Government is now thinking of investing the Board of Visitors for Jails and Prisons with certain powers to guide the activities of the Settlements.

Sri J. B. MALLARADHYA.—Then I want to know whether sub-section (3) of section 21 is necessary to be included. It says: "In making rules under this Act, the State Government may provided that contravention of any of the rules shall be punishable with imprisonment which may extend to six months or with fine which may extend to one hundred rupees or with both." If the rules are made in conformity with the Act and if the rules do not offend against the provision of the Act., why should this provision be here? It looks a little out of the way.

There is a very loud complaint about the treatment meted out to the of habitual offenders. The treatment of habitual offenders is made a political matter.

Sri B. BASAVALINGAPPA.—Point out to me an instance.

Sri J. B MALLARADHYA.—I will tell you how I did in Kolar Gold Fields. If you go to my friend Sri K. C. Reddy's village you will get an answer to my question.

I have tried over 880 Congressmen in the most liberal manner, I did not give them more than one month during those disturbances (lanughter). In spite of that they are very cross with me now.

4-30 P. M.

It is with a sense of frustration that I am saying that there have been political excesses in dealing with these offenders. Some of them are being regularly used by people who dabble in politics. Some of them are actually used by policemen for purposes which are very objectionable in character. It is no doubt good that Government is thinking of corrective settlements but you have a responsibility to see that they are not misused or are not used for a purpose for which they are not intended. Even they are in jail and are under surveillance, they are allowed to do things as they like but when they go to a corrective settlement, people are bound to be apprehensive about their movements and doings. Their movement should be carefully watched. Pucca arrangements should be made for supervision, for watch and ward. We have known of complaints being made that the officers in-charge of the jails allow these people to move about freely.

In regard to the classification or offences, I have already suggested that you must naver have a settlement in which all the offenders under the various are allowed to mix together freely. For this purpose you should exclude offences under the Immoral Traffic Act and the Prohibition Act. Even in regard to men and women offenders, it would be much better to segregate them. There must be separate settlements for men and women. The classification of inmates in these settlements is a very important matter. Progressive Governments in America and Western Europe give a lot of attention to this question of classification. In fact, it will cease to be a corrective settlement if you huddle together all sorts of people with varying degrees of heinous crimes to their credit. Supposing half a dozen girls are willing to go to a corrective settlement of their own accord, would you mix them up with others who are dangerous characters. There are two sets of people who resort to immoral practices one who do it purposefully and another set who could be weaned away from bad habits with a little corrective education.

Sri B. BASAVALINGAPPA.—For such cases there are other institutions like rescue homes under the Suppression of Immoral Traffic in Girl Act. Section 4 is intended only for people who trade in immoral traffic.

Sri J. B. MALLARADHYA.—In how many centers of Mysore State, are there rescue homes. It would be the responsibility of the State as well as the society to see that such women are led to better ways and that corrective settlements are established for this purpose.

Sir, this corrective settlements should serve as some kind of production-cum-training centres. You must see that at the end of 2 or 3 years, when they get out of the settlement, they acquire some skill to earn a decant living. Against this backround, I would urge you must have skilled mechanics or technicians to be in-charge of this settlements. It means expenditure of course. Supposing those 20 people in Bijapur even today are given opporunties to train thems lves in some trade or the other, the object of Government running the settlement would have

(Sri J. B. MALLARADHYA)

been justified. If this purpose is not to be served, this will be there on paper and you would have done nothing useful. It then ceases to be a kind of social legislation and your objective of reforming criminals so that they may transform themselves into useful citizens would be frustrated.

Before this Bill is allowed to be passed into law, I would like the Hon'ble Minister to go through one are two of its clauses, particularly that section relating to arrest without warrant and section 18. Please see that the district magistrate does not interfer with a judicial order and that no executive order is prevented from being challenged in a court of law. I consider that the police will interfere with must of these things. The moment an application is made, automatically the Munsiff would send it to the police officer for report. You know what happens thereafter. I do not want this normal procedure to prevail, which is highly objectionable.

† Sri G. VENKATAI GOWDA (Paliyam).—Sir, much has been said already by my friend, the Leader of the Oppos tion. The Government is not in a position to give out as to how many offenders have been registered so far. Various enactments are now in force. Of course it is a wellcome measure which seeks to bring in uniformity in respect of the law pertaining to the treatment and training of habitual offenders. But the offences listed should be confined only to offences against person or property. I do not think that the spirit and intention with which these enactments have been made previously warrant the incorporation of offences other laws, that is, laws not against person or property. The offences mentioned in chapters 12; 16 and 17 of the Indian Penal Code are against person or property. If a person wants to criminaly rob another man's property, there is the dishonest intention to cause wrongful loss to another person and hence should be more severely punished. In case of an offence against a person, there is a intention to cause injury of a wrongful nature, and hence it should come under this bill. But to include offences under the Immoral Trafic Act or under the prohibition Act, would be unjust and improper. There is on question of dishonest intention involved here and there is no question of causing loss or injury to another man's property or person. From that point of view it is to be considered and these offences mentioned on page 14 in schedules 2 and 3 should be deleted.

Now the Government seeks to vest powers under this Bill in the Executive officers and also it wants to see that any order made by the Executive officer shall go without any challenge being made in a court of law. According to section 18, " no court shall question the validity of any direction or order issued under this Act." This is something which is inconceivable because here the executive has taken the power to supervise, to issue directions in respect of these habitual offenders. At the same time it say that the executive order should go unchallenged.

It is not the spirit of the legislation itself. If you want to retain the power of registering and supervision in respect of these habitual offenders, if there is any illegal order, you should allow that to be challenged in a court of law. That necessitates section 13 to be deleted. Otherwise, if you don't want inference by courts, vest powers in the judicial officers, instead of in the Deputy Commissioners. Why can't you invest powers to a judicial Magistrate. It is more desirable to empower these judicial officers to deal with habitual offenders and that should be the spirit with which this legislation ought to have been brought. Why should not a judicial officer be invested with this power under Section 3 and why should the State Government keep with itself such powers as are contemplated under sections 10 and 11. If the order of the District Magistrate is, according to the habitual offender, against the provisions of law, there must be provision for him to go in appeal to the Sessions Judge, as is done in ordinary course of law. Also the power to restrict movement by the Government should be deleted. My only submission is that the executive taking powers should not have been contemplated in the provisions of law, it is against the spirit with which this law is being made. Therefore, I venture to submit that either you vest the powers in the judicial officers in the which case no court will interfere or if you want to retain power to yourself, then see that courts are given powers to judge the validity of the order. If there is any illegal order, let it not go unchallenged. There must be power to challenge the validity of any direction or order made by the executive. Otherwise, there would be negation of fundamental right, I should say. Let there be no scope for abuse of power ; let courts be given scope to interfere.

Also delegation of power under section 20, I am afraid, is unwarranted. The other points raised by my friend also need scrutiny. Though it is a welcome measure, if the Government want to retain power, let there be a scope for judicial interference, if the Government empower the judicial officers, then the whole thing becomes all right and it could be easily implemented.

With these observations, I close my speech.

Sri V. S. PATIL (Belgaum-I).—Government has been pleased to bring this Bill before this House with a view to consolidate or to have a uniform law for all the areas of the State. In the Statement of Objects and Reasons, the Government has given four Acts, that if Mysore, Madras, Bombay and Hyderabad. I think most probably some of the provisions of those Acts must have been incorporated in this Bill. So far as my personal view is concerned, this is a Bill by which we are going to restrict the fundamental rights of a citizen. The Constitution has given every individual in our country the fundamental right to operate any profession which is not prohibited by law and that indepedence of movement is being curtailed by this Bill. I should like to know from the Government as to how many persons they have

(Sri V. S. PATIL)

corrected during the periods since these four Acts came into force; that is, within the old Mysore area, the Act was passed in 1952; in Madras area the Act was passed in 1948 and in the Bombay area the Act was passed in 1947. So I should like to know how many persons have been improved in their living, in their character, in their behaviour by the enforcement of these various Acts in these various regions. Unless the Government is able to give any concrete figure about the improvement or the conduct by the enforcement of these Acts, it is very difficult for us to give our sanction or our consent to such a Bill which goes at the roots of the fundamental rights of a citizen. So I should like to know the actual figures from these various areas and if these figures are convincing, then of course, we can think of according our Sanction otherwise,I should like to oppose such a Bill.

There is another thing which I should like to bring to the notice of this House. In every measure that is now-a-days brought before the Assembly, the executive is trying to grap the whole power and the old rule of law or old procedure, that is the independence of the judiciary to examine the acts of the parties including the Government is being neglected or brushed aside. That tendency should not be encouraged in any way. Here in clause 2 (*d*), 'District Magistrate' means the Deputy Commissioner. Why Deputy Commissioner ? I think in the old Mysore area there are District Magistrates who are not Deputy Commissioners at all. Those are persons from the judiciary and they have been empowered to do the duties of the Distict Magistrate. If that is the case and if it is found to be really beneficial, then why those persons are not to be entrusted with the duties under this Act ? Why the Deputy Commissioner is to be given these powers ? These Deputy Commissioners, now-a-days since our Congress Party came into power, are overworked with the arrangements of tours of Ministers and Deputy Ministers and some such other things. They have no work other than the arrangement of these tour or tour programmes. In addition to this, if we are to burden their files with the execution of this Act. I think the very purpose for which the Act is to be enforced will be frustrated. I suggest, in the interest of democracy, the cudicial authority must be empowered to deal with the law. That principle should be embodied here. The district magistrate of the judicial rank should be, empowered to executive this particular Act.

Then, Sir, in the definition of habiual offender under clause 2 (*e*), it is said that "santenced on conviction on not less than three occasions, since he attained the age of eighteen years, to a substantive term of imprisonment, for any one or more of the scheduled offences... "Here, it is not stated that the offencee should be of the same kind. How can we say that a partiaular offender is a habitual offender if he commits three offences ? According to this Bill, that is the meaning. If a person commits the same kind offence for more thn three times then we can call

him a habitual offender. He must persist in committing the same kind of offences ; otherwise, we cannot call him so. If a person is convicted for theft and sbsequently he is convicted under prohibition Act for thet hird time for some other offence, he cannot be called a habitual offender.

Sri C. J. MUCKANNAPPA.—Supposing, a person steals something once and then indulges in house breaking and then in robbery?

Sri V. S. PATIL.—Robbery, sealing and house breaking all come under different branches of the same class. But, here in this schedule they have not only offences upder the Penal Code but also offences under Prohibition Act and Suppression of Immoral Traffic in Women Act. So, I say, that if a person pursues in the same manner, then alone we can call him habitul offender.

Then, Sir, the definition of 'notification' is notification published in the Official Gazette. This is rather vague. The Centre and the State Governments have their own gazettes. So, this word must be clearly stated as 'gazette published by this Government, *i. e.*, Mysore State.

Then, in clause 5, the register is to be prepared by the Distsict Magistrate. He has to effect the changes ; he is the sole authority to alter this register of the offenders. But, who is the person with whom it is kept ? It has to be kept with the D.S.P. This is wrong. It must remain in the office where it is prepared. A copy may be sent to the D.S.P. keeping the original in the office where it is prepared.

In clause 8, Sri, there is a restriction put up about the movements of the offender. If the offender wants to leave the place of residence and wants to go to some other district, he has to notify it. Especially in the cases of prohibition, the offenders take up to this business because they have not got any employment and have no means of subsistance and they try to maintain themselves on this business, even though it is illegal. Even if such a person takes up to agriculture, he cannot devote the whole year for it because at the most six months would be enough for cultivation. For the remaining six months he has to go out in search of some other employment. So far as people in my place is concerned they go to Karwar district for mining. If there is such a person there he has to take the permission of the District Magistratc of our district and then the intimation will have to go to the Karwar Distrsct Magistrate. He will have to prepare the register and that person will have to report to the District Magistrate or the authority as per directions given to him. Under such circumstances, a person who wants to work in the mining area, would find it impossible for him to work. These practical difficulties would crop up in the actual working of this Act. This should be considered bv Government ; otherwise, the purpose for which this bill is being introduced would be of no use at all, for it would work as a hardship rather than as a benefit to these criminals.

(Sri V. S. PATIL)

Then, in clause 10, time limit is put to make representation to the State Government. Sir, any time limit must be decided by the legislature and not by the Government. The time limit within which the aggrieved party should approach the higher authority whether it is 30 days or 60 days or 90 days, is sanctioned by the legislature and that power is never delegated to the Executive or the Government.

Here also instead of prescribed authority, a time-limit may be put of any length that will be found reasonable and this power of the legislature should not be handed over to the Government.

5-00 P.M.

Then Sir, clause 14 sub-clause (2) (*b*) appears to be rather strange. If such a person is required in pursuance of Section 110 of the Code to execute a bond for his good behaviour, and if that man has been bound over for good behaviour for a particular period, that practically amounts to a punishment. Previously he must have been punished for committing certain offences and he has received adequate punishment already. Then this section 110 comes into force for good behaviour. Under that provision he is bound down for doing as paticular thing or to behave in a particular manner. Under this section you want to impose an additional burden upon him by registering him and forcing him to do a particular thing. This is a third burden on such a man. This appears to be rather too heavy, and instead of having any corrective effect upon such a person, it may go against the very principle of correction for which this Act is being passed.

Then clause 16 is against the principle of natural justice. How a habitual offender who without lawful excuse, the burden of proving which shall lie upon him, fails to appear etc.,, It is basic principle of our criminal law that the burden of proving always lies upon the prosecution. It is very difficult to prove the innocence. So, the basic principle of proving should not be ignored and the burden of proof shifted to a person under this particular clause.

Clause 18, bar of jurisdiction: No Court shall question the validity of any direction or order issued under this Act. This is too much. Why should we deprive the Courts of Law from exercising their rightful duties in State ?

An HON'BLE MEMBER.—We want to become supreme.

Sri V. S. PATIL.—They are supreme, there is no doubt about it. Because they have taken the reigns of Government in their own hands and in their own way, they are supreme. We do not question about it. But their supremacy is circumscribed by the Constitution and the Acts passed by the Legislature. That is why we have to see that this clause is amended. The structure of our Government is based upon the Constitution and Judiciary has got a right to see whether a particular Act of the

executive has been correctly exercised or not and if we allow this clause to stand, it means that the Government wants to be dictator. That is not proper. Let us be fair and let us have constitutional means to anybody and everybody so far as the execution of the laws are concerned.

Clause 19. Here no suit, prosecution or other legal proceeding shall lie against any person for any thing which is in good faith done or intended to be done under this Act. The words " intended to be done " are not necessary here to have the qualifying words "good faith". The courts will interprete that the Acts done so far as that law is concerned, good faith is required. But intended to be done, there is no good faith at all in those words. So, this is merely a change of word or wordings. I should like to request the Government to see that this "intended to be done" is also governed by good faith.

In clause 21-rule making power. In this, I should like to suggest that sub-clause (2) (g) "the terms upon which offenders may be discharged from corrective settlements: 2 Here these terms must be specified or prescribed by us in the Act itself; it should not be left to the executive authority to prepare the rules, because we are afaid that in every district where the Act will be in force, the persons executing, will not be of the same calibre.

Then in sub-clause (1) *re.* periodical review, this also must be incorporated in the Act itself because in the Preventive Detention Act there is a provision to this effect that the persons who have been detained under that Act their cases shall be reviewed within a particular period and by a particular authority. Such a provision ought to be made here, even though this is not a Preventive Detention Act but it is a compulsory Detention Act and not even a Preventive Detention Act. Here also a provision to that effect should be made.

About the Prohibition Act, there is already a provision so far as the Bombay Prohibition Act is concerned, that the persons who habitually commit the offences under the prohibition Act, they are either externed, interned. All these provisions are there. Inspite of these provisions, why the same thing should be repeated in this Act. This will be giving more powers or unnecessary powers in the hands of the Government. So, my suggestions may be considered by the Government.

†Sri V. SRINIVASA SHETTY (Coondapur).—Sir, most of the things which I wanted to say have already been said by the Hon'ble Gentlemen who have already spoken before me. The one thing which troubles me most is that Government have not cared to study the thing thoroughly but simply seemed to have copied some sections of the Bombay Act and the Madras Act. This has become chronic habit with the Government to copy the sections from the other Acts put all these together and present a Bill to the House. This seems to be practice and they are true to their practice in this Bill also. Of course, I am

(Sri V. SRINIVASA SHETTY)

not going to oppose this Bill on principle because this is just like a Prohibition Act which is one of the ideals for which all of us will have to try to remove the evil. Only a few days ago I was reading a very interesting book on such a procedure in America. The Book is called the " American Convicts". Atfer a number of convictions those convicts are sent to such Corrective Settlements in America and the experience gained for more than half a century or so is very depressing. What I learnt was that a small criminal become a big criminal after he enters the Corrective Settlements in America. He will not be a pick pocket before he enters the corrective settlement. He meets all sorts of criminal experts there and when he comes out he becomes a thorough pick-pocket. That is the long experience in American settlements. It works like a machinery. There it is done by courts, but here it is still worse because it is an executive officer who is made a machine to send persons to the corrective settlement. It is not even the executive machinery, but it is the District Magistrate or the D.S.P. or his assistant in the headquarters who will be sending these persons to settlements. Are we not interested in this State to see that this power is not misused, that it is not a machinery that will come into effect, that it is a judicial machinery which will consider each and every case and see that the man is fit to go to a corrective settlement or not? We have already got some provision under section 55 of the Police Act by which Police officers are entitled to arrest a man without a warrant for a habitual offence. Then under section 110 of the Criminal Procedure Code Courts have got every right to bind a habitual offender. The ideal with which this Bill has been brought forward is that not only there should be conviction but there should also be a corrective and they must be reformed. That seems to be the ideal. While working this ideal we should not commit the same blunders which were committed while working the Prohibition Act. We should learn by our mistakes. I am not going to refer to the details of the various sections which will not be very interesting, but one particular thing that I have noticed is that the one person who is the king of all this is the District Magistrate though it is a very misleading term. Who is a District Magistrate? In my own district, prior to integration to some time before it, the District Magistrate was the Deputy Commissioner or the Collector as we used to call him. He had certain powers under the Criminal Procedure Code and he is salled the District Magistrate and all others were called either First Class or Second Class Magistrates. After separation of judiciary from executive, there is a separate Magistrate and the so-called Additional District Magistrate will be called Additional District Magistrate. He is only *nam ke waste* District Magistrate. He does not exercise any criminal jurisdiction though he might have been invested with certain powers. We have to pity the so-called Additional District Magistrates. Firstly their main task is to dance attendance on the V.I.P's. You have their visitations from Delhi and foreign countries, but mostly they come from

the State headquarters. The District Magistrate has to dance on them. I know that most of his time is spent in dancing attendance on these V.I.P.s. Then innumerable functions have been thrust on the Deputy Commissioner. He is the be all and end all of the district. He has practically to attend to every thing, but in practice I have found that he attends to nothing. He has got his personal Assistants for different things. There is a personal Assistant for revenue there is a Personal Assistant for other matters. Mostly it is the Personal Assistants who are attending to these things since he has no time. Over and above this, he is asked to exercise judicial powers, to examine the evidence against a certain person and see whether he ought to be booked as a habitual offender and sent a corrective institution or not. It is a very big burden thrust on the District Magistrate. Generally the present District Magistrates are not at all fit for it; they have not the capacity for and they are not appointed for that purpose. You are only thrusting certain powers on them which they are not habituated to exercise. The definition of District Magistrate itself is a misnomer. They are not at all called District Magistrates. I am unable to understand how this term has crept into this Bill. I do not know the practice in other districts, but in my district he is called Additional 'District Magistrate' means the Magistrate who has got only a few criminal jurisdictions. This leads to lot of confusion. I have suggested an amendent that instead of the Deputy Commissioner of the District the highest judicial Magistrate of the District be invested with these powers. Can the Deputy Minister point out an instance, apart from States like Madras and Kerala, where in western countries like England or America this power is exercised by an executive officer? If they are not doing like that, then we shall not go back. We shall have to progress with the progressive countries of the world. In America it is only the Magistrate who convicts the offenders and sends them to corrective settlements because he is the person who is fit for it.

Then there is a dangerous proviso to clause 4 which says :

> "Provided further that no entry relating to previous conviction of a habitual offender shall be made, unless the District Magistrate or the officer appointed by him in this behalf....."

Who is that officer? He is generally the Tahsildar or the Revenue Inspector who is going to do all these things in the whole district instead of the Deputy Commissioner. As I said, the Government must have visualised some difficulty for investing the Deputy Commissioner with all these functions and so they have given him the power to choose an officer to do all these things. So the proviso says:

> "Provided further that no entry relating to previous conviction of a habitual offender shall be made, unless the District Magistrate or the officer appointed by him in this behalf, has satisfied himself....."

(Sri V. SRINIVASA SHETTY)

It is not only clerical job that the officer is doing. Under clause 4, the district Magistrate is empowered to appoint any officer he wants to satisfy himself from the evidence whether a person is to be registered or not. There are no restrictions imposed on him. Generaly, it will be a Tahsildar or it may be a Revenue Inspector or some Head Clerk in the office. Are we going to entrust this serious business to such petty officials. This is a very dangerous proposition and needs to be remedied. Ultimately, it is neither the Deputy commissioner nor any person authorised by him, will actually do the work, but it would be the D. S. P. The registers would be in the hands of the D. S. P. He will report to the District Magistrate or whoever is delegated that power, as to whether an alteration or an entry has to be made. The D. S. P. is much bigger than the Tahsildar or the Revenue Inspector. Therefore he will be the boss of the whole show. We are entrusting the whole thing to the police officers.

Sir, there is a right of appeal. But who is the appellate authority in this case. Clause 10 says that it would be the 'State Government.' But which is the State Government in respect of this particular case. Who is going to represent the collective mind of the Government. The Government of today is a party Government. This a Bill which gives ample powers for mischief. I am not imputing motives on anybody. Do not think that you will be in power for ever. with due deference to Hon'ble Sri Subramanya, I must say that it is likely that somebody else may come to power, not that I will come to power. I am not imputing motives but in principle these powers should not be in the hands of Government. This is a dangerous and mischivous provision. The Deputy Commissioner, who is an executive officer, would be at the beck and call of the Minister or the Government. There are certain obnoxious provisions in this bill and though I do not oppose the bill on principle, I can not accept it in the form it stands today. I suggest it may be referred to the Select Committee or the Government would think over these matters

Sir, The party-in-power should not seek to thrust their ideals, admittedly mistaken, through legislative processes. Supposing a man is convicted with a fine of five rupees over three times for drinking, is Government serious in believing that he is dangerous enough to be sent to a corrective settlement.

SRI C. J. MUCKANNAPPA.—That would mean eliminating one person who is politically a nuisance in their way.

Sri V. SRINIVASA SHETTY.—That may be so. But a person who is honest in all respects, but yields to drink, cannot be considered a criminal in the sense that he should be entered in the register and then sent to a settlement. Let us be serious and let not the Minister introduce ludicrous elements in this bill. I can understand persons committing offences under the I. P. C. or persons who distil or transport liquor in

dry areas being treated as criminals, but men with education, with a good background, decent people, should not happen to be sent to a corrective settlement just because the Congress party believes in prohibition. It may be an offence, but it cannot be an offence to warrant a person being registered under this Act. This point deserves the attention of the Deputy Minister, if he is really serious about it.

†Sri B.R. SUNTHANKAR.–(Belgaum City) Sir, I am in general agreement with views expressed by the Hon'ble Members who preceded me. This bill has been brought forward with a view to have an uniform law relating to habitual offenders applicable to the entire State. It was expected that this bill would be an improvement on the various enactments already in force in the different areas of the State. On the other hand, I regret to note that this bill is a sort of hotch-potch of the various acts now in force. That is why there are a number of flaws and defects in this bill. Many such defects have been pointed out by members on this side. In the light of the experience already gained in the working of these acts in the various parts of the State, there, was enough scope for the Government to improve on those acts and to have a more adequate and better piece of legislation for the entire State.

5–30 P. M.

This problem of habitual offenders is a problem which is not strictly legal. At the bottom it is a social problem and more of a psychological problem. Modern psychology has thrown enough light on the delinquent and criminal mentality. It is generally found that crimes and crminal mentalityare stimulated by conditions prevailing in the society, particularly economic conditions and the crimes are due to psychological factors also so this problem will have to be viewed not from a police point of view. This Bill is prepared from the Police point view. This problem will have to be dealt with on psychological grounds and social grounds because this legislation aims at improving the habitual offenders to make them normal citizens, to beat out of them normal citizens. That should be the aim of this legislation. These Habitual offenders' Acts which are in force have as a matter of fact replaced the former Criminal Tribes Acts which were in force during the British regime. But since independence it has been thought proper not to treat any section of community as a permanent criminal community. So these habitual offenders' legislation has replaced the former Criminal Tribes Acts and the object was this. I may quote here from the Book of the Planning Commission.

"It is likely that some members or groups previously styled criminal tribes may still prove to be uncontrollable and can be responsible for anti-social acts. In such cases, the provision of Habitual Offenders' Act should be applied in selected areas. Under its provisions it should be possible to intern them within their homes and to release them after a definite period not exceeding three years or help them to settle peacefully in an area in occupations suitable to them"

(Sri B. R. SUNTHANKAR)

This latter portion is very important. That should be the aim of the legislation to help the habitual offenders to settle peacefully in occupations suitable to them. When we study this Bill, we fail to understand how this Bill is going to achieve that aim. As I have said this is a sort of a Police mentality Bill. This legislation has got two aspects. One aspect is that of putting restrictions on habitual offenders and the other is the corrective treatment to be given to them. Of these two aspects, the aspect of corrective treatment is more improtant. Government has not made sufficient provision for the corrective treatment. There is only one settlement which has got, I think, hardly 20 inmates or so at Bijapur and I do not know what sort of corrective settlement that is. Because corrective settlements ought to be either agricultural settlements, industrial settlements or sort of reformatory settlements. They should be more in the nature of industrial and agricultural settlements. Unless we have such settlements in the State, there is no possibility of improving these habitual offenders. So Government will have to pay more attention to this aspect. The Bijapur settlement will have to be well equipped. It has got very meagre equipment and it falls far short of the requirements of a corrective settlement. So Government will have to re-equip and strengthen the settlement so that it should be more useful to improve the habitual offenders.

In section 11(2): "Before making any such order, the State Government shall take into consideration the following matters, namely..." They have given a number of circumstances under which this order is to be passed. But from all these circumstances, I do not know whether it will be made sure that the habitual offenders have got adequate means of livelihood. So I want that it should be clearly stated in this section, as has been done in the Bombay Act. I will read the relevent extract from the Bombay Act for the information of this House.

"No order shall be made restricting the movements of any person to any particular area unless the court or Magistrate making the order is satisfied that such person has adequate means of earning his livelihood within such area or whether he ordinarily resides in such area." It is definitely stated here that the officer who passes the order should get satisfied that the person has adequate means of earning his livelihood. Such guarantee is not found in section 11 here. Whenever such a restricting order is passed, the officer must make himself sure that the habitual offender has got adequate means of livelihood. Otherwise, if there is no provision of adequate means of livelihood, naturally that offender will be driven to commit more offence to earn his livelihood. So in order to prevent that, some definite provision should be made in the section.

Coming to section 12, we should give chance for the habitual offender to improve or make a better living and in order to give that chance, a provision should be made in that section for executing a bond, for

taking a bond for good behaviour. So I suggest to the Government that such provision should be made that if a habitual offender comes forward and executes a bond for good behaviour. this restriction order on him should be removed and he should be allowed to go as a free citizen. That provision should be made in the section.

Coming to the clause 18 and 19, these are very abnoxious clauses and they are highly objectionable. As my Hon'ble friends have already suggested, these two should be deleted. They are against the spirit of law and they prevent the person to prefer an appeal. In the Bombay Act a provision for appeal is provided to the Sessions court or to the District Magistrate or to the High Court as the case may be. So, the right of appeal must be given to the habitual offender. I request the Government to look into the whole problem from a humanitarian point of view and with sincere desire to improve the conditions of the habitual offenders. With these remarks I conclude.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಈ ಪಂಚರಂಗಿಗಳ ವಿಧೇಯಕವನ್ನು ಅಂದರೆ ಹ್ಯಬಿಚುಯಲ್ ಅಫೆಂಡರ್ಸ್ ಬಿಲ್ ಎನ್ನುವುದನ್ನು ಜಾರಿಗೆ ತರಬೇಕು ಎಂದು ಈ ಸರ್ಕಾರದವರು ಹೊರಟಿದ್ದಾರೆ.

ಒಬ್ಬ ಸದಸ್ಯರು.—ಪಂಚರಂಗಿ ಎಂದರೇನು ?

Sri C. J. MUCKANNAPPA.—If a person commits offences for more than once and sent to jail, he is called "Pancharangi" ಈ ಪಂಚರಂಗಿಗಳ ವಿಧೇಯಕವನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಅನುಷ್ಠಾನಕ್ಕೆ ತರಬೇಕೆಂದು ಈ ಸರ್ಕಾರ ಈಗ ಹೊರಟ್ಟಿರುವಾಗ ಆ ಬಗ್ಗೆ ನಾನು ಕೆಲವು ಮಾತುಗಳನ್ನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದೆ. ಈ ಸರ್ಕಾರ ಅವರ ಜೀವನವನ್ನು ಒಳ್ಳೆಯ ರೀತಿಯಲ್ಲಿರಬೇಕೆಂದೂ, ಅವರನ್ನು ಸಾಧು ಸತ್ಪುರುಷರನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದೂ ಮತ್ತು ಅವರನ್ನು ಒಳ್ಳೆಯ ಪ್ರಜೆಗಳನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದೂ ಉದ್ದೇಶವನ್ನು ಇಟ್ಟುಕೊಂಡಿರುವುದು ಎಷ್ಟೇ ಸಾಧುವಾಗಿದ್ದರೂ ಇದರಲ್ಲಿ ಅಡಕವಾಗಿರತಕ್ಕ ಅಪಾಯಗಳನ್ನು ಸರ್ಕಾರದವರು ಬಹು ದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕೆಂದು ತಮ್ಮ ಮೂಲಕ ಸರ್ಕಾರದರಿಗೆ ನಾನು ಸೂಚನೆ ಕೊಡುತ್ತೇನೆ. ಹಿಂದೆ ಈ ಬ್ರೇಶಾಬಿಟ್ರಿಷರ ಕೈಲಿ ಇರುವಾಗ ಅವರು ಯಾವುದೇ ಒಂದು ಕಾನೂನನ್ನು ಜನಗಳ ಮನಸ್ಸಿಗೆ ವ್ಯತಿರಿಕ್ತವಾಗಿ ಮತ್ತು ಜನಗಳ ಇಂಗಿತವನ್ನು ಅರಿಯದೆ ಮಾಡಿದ್ದಂತಹ ಕಾನೂನುಗಳನ್ನು ಕಾನೂನುಗಳ ಕಡತದಿಂದ ಕಿತ್ತುಹಾಕಬೇಕೆಂದು ಚಳುವಳಿ ಹೂಡಿದಂತಹ ಜನಗಳು ನಾವು ಈಗ ರಾಮರಾಜ್ಯದಲ್ಲಿ ಭಾರತದ ಸತ್ಸಂಪ್ರದಾಯದ ಬುನಾದಿಯ ಮೇಲೆ ಕಟ್ಟಿದಂತಹ ಈ ಭರತ ಭೂಮಿಯಲ್ಲಿ ಇಂಗ್ಲಿಷ್‌ನವರು ಈ ದೇಶ ಬಿಟ್ಟು ಹೋಗಬೇಕು ಎಂದು ಹೇಳಿ, ಅವರು ಮಾಡಿದ ಕಾನೂನುಗಳನ್ನು ಅಲ್ಲಗಳೆಯಲು ಚಳುವಳಿಯನ್ನು ಹೂಡಿದಾಗ ಈ ಪಂಚರಂಗಿಗಳು ಯಾರು ಈ ದೇಶದಲ್ಲಿ ಇರಲಿಲ್ಲವೇ ಎಂಬುದಾಗಿ ನಾನು ಪ್ರಶ್ನೆ ಮಾಡುತ್ತೇನೆ. ಆಗ ಈ ಪಂಚರಂಗಿಗಳ ಉದ್ದೇಶ ಏನಿತ್ತು ಎಂಬುದನ್ನು ಸರ್ಕಾರದವರು ಸಾವಧಾನಚಿತ್ತದಿಂದ ಯೋಚನೆ ಮಾಡಿದ್ದಿರೆ ಬಹಳ ಚೆನ್ನಾಗಿತ್ತೆಂದು ನಾನು ಭಾವಿಸುತ್ತೇನೆ. ನಾವೆಲ್ಲರೂ ಅಮೇರಿಕಾ ಮತ್ತು ಇಂಗ್ಲೆಂಡ್ ಪೇಪರ್‌ಗಳಲ್ಲಿ ಈ ಬಗ್ಗೆ ಕೆಲವಾರು ವಿಷಯಗಳನ್ನು ಓದಿರಬಹುದು. ಆದರೆ ನಮ್ಮ ದೇಶದ ಸ್ಥಿತಿಗೂ, ಅಲ್ಲಿನ ಸ್ಥಿತಿಗೂ ಯಾವ ರೀತಿ ವ್ಯತ್ಯಾಸವಿದೆ ಎಂಬುದನ್ನು ಈ ಸರ್ಕಾರ ಸುಧೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕು. ಆ ರೀತಿ ಯೋಚನೆ ಮಾಡದೇ ಇದ್ದುದರಿಂದಲೇ ಈ ಸರ್ಕಾರದ ಕಾನೂನುಗಳ ರಚನೆ ಬಗ್ಗೆ ಒಳ್ಳೆಯದಕ್ಕಿಂತ ಕೆಟ್ಟದೇ ಜಾಸ್ತಿ ಇದೆ ಎಂಬುವುದು ಚೆನ್ನಾಗಿ

(ಶ್ರೀ ನಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಗೊತ್ತಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಇಂತಹ ಬಿಲ್ಲನ್ನು ಇವರು ತರಬಾರದಾಗಿತ್ತು ಎಂದು ಸರ್ಕಾರದವರಲ್ಲಿ ಬಹಳ ವಿನಯಪೂರ್ವಕವಾಗಿ ನಾನು ತಿಳಿಸಿ ಈ ಮಸೂದೆಯನ್ನು ಜಾಗ್ರತೆಯಾಗಿ ವಾಪಸ್ಸು ತೆಗೆದು ಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಕೇಳುತ್ತೇನೆ. ಯಾವ ರಾಜ್ಯದಲ್ಲಿಯೇ ಆಗಲೀ ಜನಗಳು ಒಳ್ಳೆಯತನದಿಂದ ನಡೆಯಬೇಕು, ಸರ್ಕಾರ ಅವರ ಜೀವನವನ್ನೂ ಸಹ ಸರಿಯಾಗಿ ಒಳ್ಳೆಯ ತನದಿಂದ ನಡೆಸಬೇಕು ಮತ್ತು ಜನ ಕಳ್ಳತನ ಮಾಡುವುದಕ್ಕೂ, ಸೂಳೆಗಾರಿಕೆ ಮಾಡುವುದಕ್ಕೂ ತಲೆ ಹೊಡೆಯುವುದಕ್ಕೂ ಮತ್ತೊಂದು ಮಗದೊಂದು ಮಾಡುವುದಕ್ಕೆ ಸರ್ಕಾರ ಅವಕಾಶವನ್ನು ಕೊಡಬಾರದು ಎಂಬ ಉದ್ದೇಶವನ್ನು ಸರ್ಕಾರ ಇಟ್ಟುಕೊಂಡಿವಾಗ ಮತ್ತು ಅಂತಹವರನ್ನು 2–3 ಸಾರಿ ಅಂತ ಕೆಲಸಗಳನ್ನು ಮಾಡಿದ್ದಾರೆಂದು ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟಿಗೆ ಕಳುಹಿಸಿ ಸತ್ಪ್ರಜೆಗಳನ್ನಾಗಿ ಮಾಡಬೇಕೆಂದು ಉದ್ದೇಶ ಸರ್ಕಾರಕ್ಕೆ ಇರುವಾಗ, ನಿಜವಾಗಿ ಈ ಕಾರ್ಯ ಸಫಲವಾಗುತ್ತದೆಯೇ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಈ ಮುಂಚೆಯೇ ಈ ಬಗ್ಗೆ ಸ್ವಲ್ಪ ಪರಿಣತರಾದವರನ್ನು ಕೇಳಿ ಇದನ್ನು ಮಾಡಬೇಕಾಗಿತ್ತೆಂದು ನಾನು ಸರ್ಕಾರದವರಿಗೆ ಹೇಳುತ್ತೇನೆ. ಅಲ್ಲದೆ ಈಗ ನಾಲ್ಕು ರಾಜ್ಯಗಳಲ್ಲಿರತಕ್ಕ ಈ ಪಂಚರಂಗಿಗಳ ವಿಷೇಯಕವನ್ನು ರಿವಿಲ್ ಮಾಡಿ ಅವೆಲ್ಲಕ್ಕಿಂತಲೂ ಅತ್ಯುತ್ತಮವಾದ ಮತ್ತು ಏಕರೂಪವಾದ ಒಂದು ಕಾನೂನನ್ನು ಈ ಬಗ್ಗೆ ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಹೊರಟಿದ್ದೀರಿ. ಇದರಿಂದ ಅಷ್ಟಾಗಿ ಅವರ ಜೀವನ ಸುಧಾರಿಸಲಾಗುತ್ತೆ ಎಂಬುದಾಗಿ ತಿಳಿಯುವುದು ಕಷ್ಟ. ಚುನಾವಣೆ ಕಾಲ ಸಮೀಪಿಸುತ್ತಿರುವಾಗಲೇ ಜನಗಳಿಗೆ ಕಾಂಗ್ರೆಸ್ಸಿನ ಮೇಲೆ ದೇಶದಲ್ಲಿ ಸಮಾಧಾನಕ್ಕಿಂತಲೂ ಅಸಮಾಧಾನವೇ ಹೆಚ್ಚಾಗಿ ಇವರ ಕೈಲಿ ಅಧಿಕಾರ ಬೇಡ ಎಂದು ಹೇಳಿಕೊಂಡು ರೊಚ್ಚಿಗೆದ್ದಿರುವಾಗ ಆ ರೀತಿ ಗಲಾಟೆ ಮಾಡುವ ಜನರನ್ನು ಹ್ಯಬಿಚುಯಲ್ ಅಫೆಂಡರ್ಸ್ ಎಂದು ತಿಳಿದು ಅವರನ್ನು ಪಂಚರಂಗಿಗಳೆಂದು ಟ್ರೀಟ್ ಮಾಡಿ ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟಿಗೆ ಕಳುಹಿಸಬೇಕು ಎಂದು ಹೇಳುತ್ತೀರಿ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಿಮಗೆ ಒಂದು ಪ್ರಶ್ನೆ ಹಾಕುತ್ತೇನೆ. ಇನ್ನೆಷ್ಟು ಕಾಲ ಈ ದೇಶದಲ್ಲಿ ರಾಜ್ಯಾಡಳಿತ ಮಾಡಬೇಂದು ತಾ ಸಭೆಯಲ್ಲಿ ಇದ್ದೀರಿ ಎಂದು ನಾನು ಕೇಳುತ್ತೇನೆ. ಶ್ರೀ ಮಾಕ ಬಸವಲಿಂಗಪ್ಪನವರಾದರೋ ಅವರನ್ನೆಲ್ಲಾ ಜೈಲಿನಲ್ಲಿ ಒಂದು ಕಡೆ ಸೇರಿಸಿ ನೀವೆಲ್ಲಾ ಗಾಂಧಿ ಭಕ್ತರು, ಈ ರೀತಿ ಅಪರಾಧಗಳನ್ನು ಮಾಡಬಾರದು, ಅದಕ್ಕಾಗಿ ನೀವೆಲ್ಲಾ ಭಜನೆ ಮಾಡಬೇಕು, ಪುರಾಣ ಕೇಳಬೇಕು ಒಳ್ಳೆಯ ವಿದ್ಯಾವಂತರಾಗಬೇಕು, ಬಸವಣ್ಣನವರ ವಚನ, ರಾಮಧ್ಯಾನ--ಇವೆಲ್ಲಾ ಹೇಳಬೇಕು ಎಂಬುದಾಗಿ ಅವರಿಗೆ ತರಬೇತು ಮಾಡುವುಕ್ಕೆ ಅನೇಕ ಪ್ರಯತ್ನಗಳನ್ನು ಮಾಡುತ್ತಿದ್ದಾರೆ. ಇಂತಹ ಅಪರಾಧಿಗಳಿಗೆ ಯಾವ ರೀತಿ ಶಿಕ್ಷಣ ಕೊಡಬೇಕೆಂಬುವುದನ್ನು ಸರ್ಕಾರ ಚೆನ್ನಾಗಿ ಪುನರ್‌ಗಾಣಬೇಕು. ಅಂತಹ ಜನಗಳನ್ನು ಸರ್ಕಾರದವರು ಅತ್ಯುತ್ತಮವಾದ ರೀತಿಯಲ್ಲಿ ಸುಧಾರಣೆಗೆ ತಂದು ತಪ್ಪು ಮಾಡಿದವರನ್ನು ಸತ್ಪ್ರಜೆಗಳನ್ನಾಗಿ ಮಾಡಲು ತೊಡಗಿದ್ದರೆ ಬಹಳ ಚೆನ್ನಾಗಿತ್ತೆಂದು ನನಗನ್ನಿಸುತ್ತದೆ. ಶ್ರೀ ಮಾಕ ಮಲ್ಲಾರಾಧ್ಯ ಅಂತಹವರು ಈ ಪ್ಲಡ್ಜ್ ಬಗ್ಗೆ ಪಿ. ಎಸ್. ಪಿ. ಪರವಾಗಿ ಸತ್ಯಾಗ್ರಹ ಮಾಡಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸರ್ಕಾರದವರು ಅದಕ್ಕೂ ಜಗ್ಗದೆ ಹೋದರೆ, ಅದಕ್ಕೆ ಅಮೇಲೆ ಅವರಿಗೆ 3–4 ಸಾರಿ ಕರ್ಟಿಕ್ಷೆ ಕೊಡಿಸಬೇಕಾದ ಪರಿಸ್ಥಿತಿ ಬರುತ್ತದೆ. ಅಷ್ಟೊಸ್ಕರವೇ ಸರ್ಕಾರದವರು ಸ್ವಲ್ಪ ಸಾವಧಾನದಿಂದ ಇರಬೇಕೆಂದು ನಾನು ವಿನಯದಿಂದ ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ. ಇಲ್ಲವೇ ಇದ್ದರೆ, ಶ್ರೀ ಮಾಕ ಮಲ್ಲಾರಾಧ್ಯರು ಮತ್ತು ಶ್ರೀಮಾಕ ಶ್ರೀನಿವಾಸಶೆಟ್ಟರ ಮೇಲೆ ಸರ್ಕಾರ ಏನಾದರೂ 3 ಸಾರಿ ಕೇಸುಹಾಕಿ ಅವರನ್ನು ಕರೆಕ್ಟಿವ್ ಸೆಟಲ್‌ಮೆಂಟಿಗೆ ಕಳುಹಿಸಿ ಬಿಟ್ಟರೆ ಆಗ ನನಗೆ ಅಪೊಸಿಷನ್ ಇಲ್ಲದೇ ಹೊಗುತ್ತದೆಂಬ ಉದ್ದೇಶ ಈಗ ಸರ್ಕಾರದ ಮನಸ್ಸಿನ ಒಳಗಡೆ ಇದೆಯೆಂದು ನನಗೆ ಕಾಣುತ್ತದೆ. (ನಗು) ಈ ಮನೋಭಾವನೆ ಸರಿಯಾದುದಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ನಾನು ಒಂದು ಮಾತನ್ನು ಹೇಳುತ್ತೇನೆ. ಈ ಮಸೂದೆಯನ್ನು ಈಗ ಇಲ್ಲಿ ಪಾಸ್ ಮಾಡಿ ಕಾನೂನುಗಳ ಕಡತಕ್ಕೆ ಏರಿಸುವಾಗ

ಈ ಕಾನೂನುನಿಂದ ಜನಗಳಿಗೆ ಏನೇನು ತೊಂದರೆಯಾಗುತ್ತದೆ, ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆಂಬುದನ್ನು ಸರ್ಕಾರ ಯೋಚಿಸಬೇಕು. ಜನಗಳಿಗೆ ಹಿತವಾಗಿರತಕ್ಕ ಕಾನೂನುಗಳನ್ನು ಅನುಷ್ಠಾನಕ್ಕೆ ತರುವುದನ್ನು ಬಿಟ್ಟು ದೇಶದ ಜನಗಳುಎಲ್ಲ ತಪ್ಪುದಾರಿ ಹಿಡಿಯುತ್ತಾರೆ ಹೆಣ್ಣು ಮಕ್ಕಳು ಎಲ್ಲ ತಪ್ಪುದಾರಿ ಹಿಡಿಯುತ್ತಾರೆ. ಉತ್ತಮರು ಎಲ್ಲ ತಪ್ಪುದಾರಿ ಹಿಡಿಯುತ್ತಾರೆ–ಇಂಥದ್ದನ್ನೆಲ್ಲಾ ಸರ್ಕಾರ ಹುಡುಕಿ ಅವರಿಗೆ ಒಳ್ಳೆಯ ನೀತಿಯನ್ನು ಬೋಧನೆ ಮಾಡುವುದನ್ನು ಬಿಟ್ಟು ಅವರನ್ನು ಹೆಚ್ಚು ಕಿರುಕುಳಕ್ಕೆ ಸಿಕ್ಕಿಸುವಂತಹ ಕಠಿಣ ತರವಾದ ಕಾನೂನುಗಳನ್ನು ಈ ನಾಗರಿಕ ರಾಜ್ಯದಲ್ಲಿ ಜನ ಒಪ್ಪದೇ ಇರತಕ್ಕ ಕಾನೂನುಗಳನ್ನು ಈ ಸಭೆಯಮುಂದೆ ಈ ಸರ್ಕಾರ ಮುಂಡಿಸಿರತಕ್ಕದ್ದು ನಿಜವಾಗಿ ಈ ಸರ್ಕಾರಕ್ಕೆ ಇರತಕ್ಕ ದುಷ್ಟಬುದ್ಧಿ ಎಲ್ಲಿ ಮೂರಿದೆ ಎಂದು ಹೇಳಿದರೆ ಅದೇನೂ ತಪ್ಪಾಗರಾರದು ಎಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ಸರ್ಕಾರ ನಡೆಸತಕ್ಕ ಕಾರ್ಯಗಳಲ್ಲಿ ಅದರ ಆಗುಹೋಗುಗಳನ್ನು ಸರಿಯಾಗಿ ನೋಡದೆ ಇರತಕ್ಕ ಈ ಸರ್ಕಾರಕ್ಕೆ ಎಷ್ಟರ ಮಟ್ಟಿಗೆ ದುಷ್ಪ್ರೇರಣೆ ಇದೆಯೆಂದು ನಾನು ಈ ಸಂದರ್ಭದಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದೆ. ಯಾರ್ಯಾರ ಕೈ ಕಾಲುಗಳನ್ನು ಕತ್ತರಿಸಿ ಹಾಕಿದರೆ ನಮ್ಮ ದಾರಿ ಸುಗಮವಾಗತ್ತದೆಂಬ ಮನೋಭಾವವನ್ನು ಇಟ್ಟುಕೊಂಡು ಈ ಸರ್ಕಾರ ಈ ಬಿಲ್ಲನ್ನು ತಂದಿರುವುದು ನ್ಯಾಯವೇ ಎಂದು ನಾನು ಪ್ರಶ್ನೆ ಮಾಡಿ ಕೇಳುತ್ತೇನೆ. ಕಳ್ಳತನ ಮಾಡಿದವರಿಗೆ ಹಿಂದೆ ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಸಿ. ಡಿ. ಗ್ಯಾಂಗ್ ಎಂದು ಹೆಸರನ್ನು ಕೊಟ್ಟಿದ್ದರು. ಆಗಲೇ ಡಿಫೆನ್ಸ್ ಆಫ್ ಇಂಡಿಯಾ ರೂಲ್ಸ್ ಪ್ರಕಾರ ಅದನ್ನು ತೆಗೆಯಬೇಕೆಂದು ಮಾಡಿದರು. ಹಿಂದೆ ಒಂದು ಸಾರಿ ಕೆಲವರನ್ನು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಶಿಕ್ಷೆ ಮಾಡಿದರೆ ಆಗ ಅವರನ್ನೆ ಕಂಡೆಮ್ ಮಾಡಿದರು. ಆಗಲೇ ನನ್ನ ಮಾನ್ಯ ಮಿತ್ರರಾದ ಶ್ರೀ ತಾತಾಚಾರ್ಯಶರ್ಮರವರು ದೇಶದಲ್ಲಿ ಪ್ರಜೆಗಳಿಗೆ ಇರತಕ್ಕ ಹಕ್ಕು ಬಾಧ್ಯತೆಗೆ ಯಾವ ಸರ್ಕಾರವೇ ಆಗಲೀ ಯಾವುದಾದರೂ ಒಂದು ಕಾನೂನಿನಿಂದ ಹೊಟಕು ಮಾಡಿದರೆ ಆ ಒಂದು ಕಾನೂನನ್ನು ತೆಗೆದುಹಾಕಬೇಕು. ಆ ರೀತಿ ಮಾಡದಿದ್ದರೆ ಅವರು ತಮ್ಮ ಪತ್ರಿಕೆಯನ್ನೂ ಹೊರಡಿಸುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿ ನಾಲ್ಕು ವರ್ಷಗಳ ಕಾಲ ಅವರು ಎಡಿಟೋರಿಯಲ್ಲನ್ನು ಬರೆಯಲಿಲ್ಲ. ಈ ದೇಶದಲ್ಲಿ ಪತ್ರಿಕೆಗಳಲ್ಲಿಯೂ ನಿಮಗೆ ನಿಜವಾಗಿ ಅಡಳಿತ ಬರಬಾರದು ಎಂದು ಜನಗಳ ಅಭಿಪ್ರಾಯವನ್ನು ತಿಳಿಸುತ್ತಿದ್ದಾರೆ. ನೀವು ಇನ್ನು ಮುಂದೆ ಅಡಳಿತಗಾರರು ಆಗಬಾರದು ಎಂದು ಜನಗಳೂ ಟೀಕೆ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಪತ್ರಿಕಾ ಕರ್ತರ ಮೇಲೆ ದಂಗೆ ಏಳುವ ಜನಗಳೂ ನಿಜವಾಗಿ ಅವರು ದೇಶ ದ್ರೋಹಿಗಳು. ಯಾರು ನಿಮ್ಮ ಅಡಳಿತವನ್ನು ಸರಿಯಿಲ್ಲ, ನಿಮ್ಮ ಕೈಲಿ ಈ ರಾಜ್ಯಾಡಳಿತ ಇರಬಾರದು. ಎಂದು ಚಳುವಳಿ ಹೂಡುತ್ತಾರೋ ಅಂತಹವರನ್ನು ಎರಡು ಮೂರು ಸಾರಿ ಶಿಕ್ಷೆಗೆ ಒಳಪಡಿಸಿ ಅವರನ್ನು ಯಾವುದಕ್ಕೂ ತರವಲ್ಲದ ಹಾಗೆ ಮಾಡುವುದಕ್ಕೆ ಹೊರಟಿರುವ ಈ ಸರ್ಕಾರದ ತತ್ವ ಉದಿತವಾಗಿ ಸಾಧುವಾದುದಲ್ಲ. ಆದ್ದರಿಂದ ಇಂತಹ ನಾಗರಿಕ ರಾಜ್ಯಭಾರ ಮಾಡತಕ್ಕ ದೇಶದಲ್ಲಿ ಎಂಥೆಂಥ ಕಾನೂನುಗಳನ್ನು ಶಾಸನ ಕಡತಕ್ಕೆ ಸೇರಿಸ ಬೇಕೆಂಬುದನ್ನು ಸರ್ಕಾರ ಮತ್ತೊಮ್ಮೆ ಚೆನ್ನಾಗಿ, ಸುಧೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ ಸ್ವಾಮಿ, ಈಗಾಗಲೆ ನನ್ನ ಸ್ನೇಹಿತನಾದ P. S. P. ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ಜೆ. ಬಿ. ಪಲ್ಲಾರಾಧ್ಯರೂ ಶ್ರೀ ಶ್ರೀನಿವಾಸ ಶೆಟ್ಟರೂ, ಶ್ರೀ ಸುನ್‌ತನ್‌ಕರವರೂ; ಶ್ರೀ ಎ. ಎಸ್. ಪಾಟೀಲ್ ರವರೂ ಏನೇನು ಹೇಳಿದ್ದಾರೋ...

ಉಪಾಧ್ಯಕ್ಷರು.—ಅದರೆ ಮಾನ್ಯ ಸದಸ್ಯರವಾದವೇ ಒಂದು ಸ್ಪೆಷರ್ ಆಗಿದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಹಾಗಾದರೆ ಅವರೆಲ್ಲರೂ ಹೇಳಿದ್ದು ಉದಯರಾಗ. ನಾನು ಹೇಳುತ್ತಿರುವುದು ಬೇರೆ ಆಯಿತೇ?

ಉಪಾಧ್ಯಕ್ಷರು.—ಅವರು ಹೇಳತಕ್ಕದ್ದು ಈ ಬಿಲ್ಲಿಗೆ ರೆಲೆವೆಂಟ್ ಆಗಿರಬೇಕು.

Sri J. B. MALLARADHYA.—The word "Panchrangi" is not unparliamentary.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅದಕ್ಕಾಗಿ ನಾನೀಗ ಹೇಳುತ್ತಿದ್ದೇನೆ—ಈ ಹಿಂದೆಲ್ಲಾ ಈ ಕಾಂಗ್ರೆಸ್ ಪಾರ್ಟಿಯವರು ಈ ಜನರಿಗೆಲ್ಲ "ನೀವು ವಾಮನ ಹಾಗಿರಬೇಕು-ಭೀಮನ ಹಾಗಿರಬೇಕು ಪಾಂಡವರ ಹಾಗಿರಬೇಕು" ಎಂತ ಹೇಳುತ್ತಾ ಈ ಜನಗಳೀಂದೆಲ್ಲಾ ಇವರು ಓಟನ್ನು ತೆಗೆದು ಕೊಂಡು ಚುನಾವಣೆಯಾಗಿ ಇಲ್ಲಿಗೆ ಬಂದು ಈಗ 5 ಸಾರ್ಟಿ ಜೈಲಿಗೆ ಹೋಗಿ ಬಂದಿದ್ದರೆ ಇವರನ್ನು ಕರೆಕ್ಟ್‌ಲೀವ್ ಸಂಟರಿಗೆ ದಾಖಲಾಗಬೇಕೆಂದು ಹೇಳುತ್ತಿದ್ದಾರಲ್ಲಾ, ಇದು ನ್ಯಾಯವೇ? ಈ ಹಿಂದಿನ ಚುನಾವಣೆಯಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ಸಿನವರು ಈ ಜನಗಳೀಂದ ಓಟ್ ತೆಗೆದುಕೊಂಡು ಬಂದಿಲ್ಲವೇನು! ಶ್ರೀ ಬೊಮ್ಮೇಗೌಡರ ಕ್ಷೇತ್ರದಲ್ಲಿ ಅವರಿಗೆ ಬೇಡಪಾದವರು ಯಾರಾದರೂ ಇದ್ದರೆ ಅಂಥವರನ್ನು ಮೂರು ಸಾರ್ತಿ ಜೈಲಿಗೆ ಕಳುಹಿಸಿ ಬಿಟ್ಟರೆ ಅಲ್ಲಿಗೆ ಅವರ ದಾರಿಸುಗಮವಾಯಿತು! ಆದುದರಿಂದ ಇಂಥ ಬಿಲ್ಲನ್ನು ಶಾಸನಕಡಿತಕ್ಕೇರಿಸುವ ಮುನ್ನ ಸರ್ಕಾರದವರು ದೇಶದಲ್ಲಿರತಕ್ಕ ಜನತೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಕೊಲ್ಲೀಕರಿಸಬೇಕು. ಹಾಗೆ ಮಾಡುವುದನ್ನು ಬಿಟ್ಟು ಈ ಬಿಲ್ಲು ಈ ಜನಗಳಿಗೆಲ್ಲ ಬಹಳ ಒಳ್ಳೆಯದನ್ನು ಮಾಡುತ್ತೆ. ಇಡರಿಂದ ಈ ಜನರ ಕಲ್ಯಾಣವಾಗುತ್ತೆ ಎಂತ ಹೀಗೆಲ್ಲಾ ಮಾದುತ್ತಿದ್ದರೆ ಏನು ಮಾಡುವುದು? ಇದರೆ ಈಜನರು ಈ ದಿವಸ ಹೊಚ್ಚಿಗಿಲ್ಲದೆ ಕಷ್ಟನ ಮಾಡಿ ಪಂಚರಂಗಿಗಳಾಗಿದ್ದಾರೆ. ಆದರೆ ಈ ದಿವಸ ಈ ಅಧಿಕಾರದಲ್ಲಿ ಶಾಶ್ವತವಾಗಿರ ಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಕಾಂಗ್ರೆಸ್ ಪಾರ್ಟಿಯವರು ಹೀಗೆಲ್ಲಾ ಕಷ್ಟನ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ಕಾಂಗ್ರೆಸ್‌ನವರಿಗಿಂತ ಹೆಚ್ಚಿನ ಪಂಚರಂಗಿ ಜನರು ಬೇರೆ ಯಾರಿವ್ವಾರೆ?

ಉಪಾಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಸದಸ್ಯರು ಪದೇ ಪದೇ ಆ 'ಪಂಚರಂಗಿ' ಎಂಬ ಶಬ್ದವನ್ನು ಉಪಯೋಗಿಸುತ್ತಿದ್ದೀರಿ. ಆ ಪದದ ಅರ್ಥವೇನು?

ಶ್ರೀ. ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸೆಂಟ್ರಲ್ ಜೈಲಿನಲ್ಲಿ ಒಂದಾವರ್ತಿ ಸಜಾ ಅಥವರಿಗೆ ಒಂದು ಬಣ್ಣದ ಚೋಪಿ ಕೊಡುತ್ತಾರೆ. ಎರಡನೆವರ್ತಿ ಜೈಲಿಗೆ ಬಂದವರಿಗೆ ಎರಡು ಬಣ್ಣದ ಚೋಪಿ ಕೊಡುತ್ತಾರೆ.

ಉಪಾಧ್ಯಕ್ಷರು.—ಆ ಪದ್ಧತಿ ಎಲ್ಲಿದೆ?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಹಾಗಾದರೆ ಇದರ ಅನುಭವ ತಮಗೆ ಇಲ್ಲವೆಂದಾಯಿತು! ಉಪಾಧ್ಯಕ್ಷರು 1917ರ ಸ್ವಾತಂತ್ರ್ಯ ಸಂಗ್ರಾಮದಲ್ಲಿ ಕೈಹಾಕಿದ್ದರೆ ಈ ವಿಚಾರ ಗೊತ್ತಾಗುತ್ತಿತ್ತು. ಆದರೆ ಈ ವಿಚಾರ ಹಾಗಿರಲಿ. ಈ ಅವಿದ್ಯಾವಂತ ಜನರನ್ನು ಆ ಕರೆಕ್ಟ್‌ಲೀವ್ ಸೆಂಟರಿಗೆ ಹಾಕುವುದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ಈ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗ ಪಾಡುತಕ್ಕ ರಾಜಕೀಯ ಪಂಚರಂಗಿಗಳನ್ನು ಆ ಸೆಂಟರಿಗೆ ಹಾಕಿದ್ದರೆ ಬಹಳ ಚೆನ್ನಾಗಿತ್ತು. ಈ ವಿಚಾರ ಮಾತನಾಡುತ್ತಿದ್ದರೆ ನನ್ನ ರಕ್ತ ಕುದಿಯುವುದಕ್ಕೆ ಪ್ರಾರಂಭವಾಗುತ್ತದೆ.

Sri B. RACHAIAH.—I rise to a point of order. The Hon'ble Member has been using frequently the word "Panchrangi" In Kannada, it gives a very bad meaning

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಆರು ಘಂಟೆಯಾದನಂತರ ತಾವು ಸೆಂಟ್ರಲ್ ಜೈಲ್ ಸೂಪರಿಂಟೆಂಡೆಂಟರನ್ನು ಕರಿಸಿ, ಅವರ ರಿಜಿಸ್ಟರನ್ನು ತರಿಸಿ, ಅವರ ರಿಜಿಸ್ಟರಿನಲ್ಲಿ ಈ 'ಪಂಚರಂಗಿ' ಎಂಬ ಪದ ಇಲ್ಲದಿದ್ದರೆ ಆಗ ನಾನು ತಾವು ಹೇಳಿದ್ದಕ್ಕೆ ಸಿದ್ಧನಾಗಿದ್ದೇನೆ.

Sri B. BASAVALINGAPPA.—I must inform the Hon'ble Member that there is nothing like introduction of a new word which has no meaning at all. "Panchrangi" means five colours. What does he mean by that?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಅಧ್ಯಕ್ಷರೇ ತಾವು ಆ ಜೈಲು ಸೂಪರಿಂಟೆಂಡೆಂಟರನ್ನು ಕರೆಸಿ ಈ ಪದ ಬಳಕೆಯಲ್ಲಿದೆಯೇ—ಇಲ್ಲವೇ ಕೇಳಿ ಅವರ ರಿಜಿಸ್ಟ್ರರನ್ನು ತರಿಸಿ ನಾನು ತೋರಿಸಿ ಕೊಡುತ್ತೇನೆ. ಅವರ ರಿಜಿಸ್ಟ್ರರಿನಲ್ಲೇ ನಾನು ಈ ಪದವನ್ನು ತೋರಿಸಿ ಕೊಟ್ಟರೆ ಆಗ ಇವರೆಲ್ಲಾ ಏನು ಹೇಳುತ್ತಾರೆ? ಆಗರಾದರೂ ಒಪ್ಪುತ್ತಾರೋ? ಈಗ ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಮೂರು ಜಾತಿಯ ಅಪರಾಧಿಗಳನ್ನು ಅಂದರೆ ಇಂಡಿಯನ್ ಪಿನಲ್ ಕೋಡಿನಲ್ಲಿ ಬರತಕ್ಕ ಅಪರಾಧಿಗಳನ್ನು ಮತ್ತು ವ್ಯಭಿಚಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ತಕ್ಸೀರುಗಳನ್ನೂ ಮತ್ತು ಪಾನನಿರೋಧ ಶಾಸನದ ಪ್ರಕಾರ ಹಾಕತಕ್ಕ ಅಪರಾಧಿಗಳನ್ನೆಲ್ಲಾ ಒಟ್ಟು ಸೇರಿಸಿದ್ದಾರೆ. ಈಗಾಗಲೆ ಶ್ರೀ ಶ್ರೀನಿವಾಸ ಶೆಟ್ಟರು ಹೇಳಿದಹಾಗೆ ಯಾರಾದರೂ ಒಬ್ಬ ಮನುಷ್ಯ ತುಮಕೂರಿನಲ್ಲಿ ರೈಸ್ಡೆಸ್ ಇಲ್ಲದೆ ಕುಡಿದುಬಿಟ್ಟು ಅನಂತ್ರ ಶಿವಮೊಗ್ಗ—ಚಿತ್ರದುರ್ಗಗಳಲ್ಲಿ ಒಂದೊದಾವರ್ತಿ ಕುಡಿದು ಹೀಗೆ ಮೂರಾವರ್ತಿ ಶಿಕ್ಷೆ ಆಗಿಬಿಟ್ಟರೆ ಅವರು ಕಾಂಗ್ರೆಸ್‌ನವರೇ ಆಗಿರಲಿ—ಯಾರೇ ಆಗಿರಲಿ ಅಂಥವರು ಈ ರಾಜಕೀಯ ರಂಗದಲ್ಲಿರುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲವೆಂತ ಹೇಳಿದರೆ ಇದೇನಾಯಿತು? ಮೇಲಾಗಿ ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಎಲ್ಲ ಅಧಿಕಾರವೂ ಸರ್ಕಾರದವರ ಕೈಲೇ ಇರಬೇಕೆಂದು ಬೇರೆ ಹೇಳಿದ್ದಾರೆ. ಸರ್ಕಾರದವರು ಒಂದಾವರ್ತಿ ನಮಗೇನೂ ಅಧಿಕಾರ ಬೇಡಪ್ಪಂದು ಹೇಳುತ್ತಾರೆ. ಮತ್ತೊಂದು ಕಡೆ ಎಲ್ಲ ಅಧಿಕಾರವೂ ತಮಗೇ ಇರಬೇಕೆಂದು ಹೇಳುತ್ತಾರೆ. ಇವರ ಈ ವಾದದ ವಿಚಿತ್ರವೇ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇನ್ನೂ ನೆನ್ನೆತಾನೆ ಆ ಪೊನ್ನಾಂಪೇಟೆ ವಿಚಾರದಲ್ಲಿ ಒಂದು ಪ್ರಶ್ನೆಗೆ ಉತ್ತರ ಕೊಡುತ್ತ ಆ ತಪ್ಪು ಮಾಡಿದ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರನ್ನು ಶಿಕ್ಷೆಮಾಡುವ ಅಧಿಕಾರ ಸರ್ಕಾರಕ್ಕೆ ಇರಲಿಲ್ಲವೆಂತ ಹಿಂದಿನ ರಾ—ನಡವರು ಉತ್ತರ ಕೊಟ್ಟರು. ಆ ಡಿ. ಸಿ. ಅಧಿಕಾರದಲ್ಲಿ ಈ ಸರ್ಕಾರದವರೇಕೆ ನೇರವಾಗಿ ಕೈಹಾಕಬೇಕು? ಮುಕ್ಕಣ್ಣಪ್ಪನ ವಿಚಾರವಾದರೆ ಅವರನ್ನು ಹಿಡಿದು ಹಾಕಿ, ಬೊಮ್ಮಾಯಿಗೌಡರ ವಿಚಾರವಾದರೆ ಅವರನ್ನು ಹಾಗೆ ಬಿಟ್ಟು ಬಿಡಿ ಎಂತ ಹೇಳುವುದು ತೀರಾ ಡಿಸ್ಕ್ರಿಮಿನೇಷನ್ ಆಯಿತು. ಹೀಗೆ ಪಕ್ಷಪಾತ ಭಾವನೆಗೆ ಎಡೆಗೊಡುವ ಕಾನೂನನ್ನು ಶಾಸನ ಕಡಿತಕ್ಕೆ ಕ್ಕರಿಸುವುದು ಸರಿಯೇ? ಕಾನೂನು ಮಾಡತಕ್ಕವರೂ ಸರ್ಕಾರದವರೇ—ಅದನ್ನು ಎಗ್ಸಿಕ್ಯೂಟ್ ಮಾಡತಕ್ಕವರೂ ಸರ್ಕಾರದವರೇ. ಈ ಹಿಂದೆ ಇದೇ ಕಾಂಗ್ರೆಸ್‌ನವರು ಸತ್ಯಾಗ್ರಹ ಕಾಲದಲ್ಲಿ ಏನು ಹೇಳುತ್ತಿದ್ದರು? ಈ ದೇಶದಲ್ಲಿ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಸ್ವಾತಂತ್ರ್ಯವಿಲ್ಲ—ಅವರ ಅಪ್ಪಣೆಯಿಲ್ಲದೇನೆ ಜನರನ್ನು ಶಿಕ್ಷೆಗೆ ಗುರಿಪಡಿಸುತ್ತಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಈ ಜುಡಿಷಿಯರಿಯನ್ನು—ಪ್ರತ್ಯೇಕಗೊಳಿಸಬೇಕೆಂದು ಇವರು ಹೇಳುತ್ತಿದ್ದರು. ಆದರೆ ಅದೇ ಜನ ಆ ದಿವನ ಹಾಗೆ ಹೇಳಿ ಈ ದಿವನ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರು ಎವಿಡೆನ್ಸ್ ಕೊಡಬೇಕು ಅವರು ಈ ರೆಕಾರ್ಡನ್ನು ಮಾಡಬೇಕು ಎಂತ ಹೇಳುತ್ತಿದ್ದಾರೆ. ಇದು ಎಷ್ಟು ವೇಗಾಗಿದೆ? ಅರ್ಥಹೀನವಾಗಿದೆ...

ಉಪಾಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಸದಸ್ಯರ ಭಾಷಣವೇನೂ ಸಧ್ಯಕ್ಕೆ ಮುಗಿಯುವಂತೆ ಕಾಣುತ್ತಿಲ್ಲ...

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನನಗಿನ್ನು 15 ನಿಮಿಷಗಳ ಕಾಲವಾದರೂ ಬೇಕು...

Mr. DEPUTY SPEAKER.—The House will now rise and meet tomorrow at 1 P. M.

The House adjourned at Six of the Clock to meet again at One of the Clock on Friday, the 21st July 1961.
